

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LIBERTY MUTUAL FIRE INSURANCE COMPANY
as Subrogee of Jeffrey Aveis

INDEX NO.: 07 Civ. 3352 (CLB)

Plaintiff,

v.

PB HEAT LLC
doing business as PEERLESS BOILERS
and
BOTTINI FUEL OIL CORPORATION

**STIPULATION - VOLUNTARY
DISMISSAL PURSUANT TO
F.R.C.P. 41(a)(1) *J. de la***

Defendants.

It is hereby stipulated and agreed by and between the undersigned, the attorneys of record and all of the parties to the above captioned action, that whereas no party hereto is an infant or an incompetent person for whom a committee has been appointed, the above-entitled action, including any cross-claims be, and the same is hereby discontinued with prejudice without cost to any party as against the other. This stipulation may be filed without further notice to the Clerk of the Court.

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200 Mamaroneck Avenue
White Plains, NY 10601
Counsel for Bottini Oil Corporation, Morgan Fuel Corporation

So ordered: Dec. 10, 2007

Charles Bricon

VSDJ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIBERTY MUTUAL FIRE INSURANCE COMPANY
as Subrogee of Jeffrey Aveis
175 Berkeley Street
Boston, Massachusetts

SETTLEMENT
AGREEMENT
07 CIV. 3352 (CLB)

Plaintiff,

v.

PB HEAT LLC
doing business as PEERLESS BOILERS
9th & Rothermel Drive
P.O. Box 447
New Berlinville, PA 19545

and

BOTTINI FUEL OIL CORPORATION
21 Alexander Blvd.
Poughkeepsie, New York 12603

Defendants.

IT IS HEREBY AGREED, by and between the undersigned, the attorneys of record for all parties herein, that the settlement of the above-referenced action is in no way admission or concession by any of the parties herein of any liability or wrongdoing.

IT IS FURTHER AGREED, that this agreement may be filed with the Clerk of the Court without further notice.

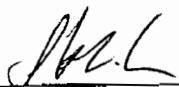
DATED: White Plains, New York
November 14, 2007

COZEN O'CONNOR



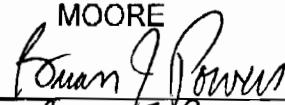
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